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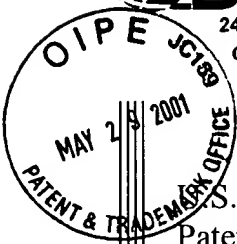


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May 23, 2001

#5  
8-2-01

U.S. Department of Commerce  
Patent and Trademark Office  
Assistant Commissioner of Patents  
Stanley Witkowski, Primary Examiner  
Group Art Unit 2837  
Washington, DC 20231

Reference: Reply to Patent Office Action dated 1/24/01 with previously granted 30 day extension on Application 09/655792 by Bernard H. Browne, Jr.

To: Assistant Commissioner of Patents

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority Mail in an envelope mailed to:

U.S. Department of Commerce  
Patent and Trademark Office  
Assistant Commissioner of Patents  
Stanley Witkowski, Primary Examiner  
Washington, D.C. 20231

on this date of May 23, 2001.

This letter is in reply to the Patent Office's action dated 01/24/01 on the above referenced patent application. Attached you will find the additional detail requested and also comments as requested on other patents by Sitrick or Aoki et alii'193 and Aoki or Aoki et alii'971.

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Thank you for your consideration.

Sincerely,

Bernard H. Browne, Jr.  
Owner and Author of *America Online and Best Web Sites* book series  
Byte Masters International

Attachments: Comments on patents of Sitrick, Aoki et al, a more detailed specification (29 pages), more drawing detail (28 drawings) and more detailed claims (17 claims, 6 pages).



## **Comments on patents by Sitrick or Aoki et alii'193 and Aoki or Aoki et alii'971**

### **Summary**

The original patent application filed (09/655792 by Bernard H. Browne, Jr.) relied more on the use of many figures with detailed graphics rather than lengthy text descriptions. Now, with our updated much more detailed text oriented specification and enhanced claims, the differences between our patent application and the patents referenced in the Patent Office's Action Summary should be much more apparent. In the sections to follow are brief comments on why our patent application is quite different from the patents cited by the Patent Office.

### **Comments on Patent Number 6,075,193 by Aoki et al**

This patent differs from our application in that the music composing aspect of this invention is automatic whereas the Instant Composer aspect of our invention application is strictly manual with many computer assisted aids. There are automatic aspects of our composing, but not in the same sense. Converting user input sounds or mouse clicks or keyboard actions into musical score notes and sounds in our invention is "automatic," but not like the referenced invention where a plurality of music templates are used for composing purposes.

There is also a portion of the referenced invention where music piece words are inputted, they are used in a different sense — for the purposes of the generation a melody, whereas our invention does not include this feature.

### **Comments on Patent Number 6,084,168 by David Sitrick**

This patent is directed at an invention for musicians playing real classical music instruments with the aid of workstations that may be used to produce virtual group performances and additionally monitor the performance of individual musicians playing their classical instruments. Our invention is capable of combining music numbers from different sources, but our invention allows combining music numbers created from any source and especially by a single user via a plethora of virtual instruments that one person can "play" from a standard computer keyboard without any music training whatsoever. All users have to do to play various musical numbers with various instrument sounds with our invention is to do is be able to type on a standard computer keyboard. Also, the manner in which we enable music numbers to be combined is much more profound and sophisticated. We permit both music amplitudes in selected frequency bands to be altered via an equalizer function in addition to allowing the transforming of different parts of music frequencies into different parts of the frequency spectrum by use of a frequency transformation function. This

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frequency transformation function can make a singing bullfrog sound like a canary, if desired, or the other way around!

### **Comments on Patent Number 6,124,543 by Aoki**

This patent is another automatic music piece maker taking advantage of a plurality of sample music pieces to generate new musical pieces. It includes methods of composing new music pieces from melody data subsets, but does not cover any of our methods of composing.

### **Comments on Patent Number 6,143,971 by Aoki et al**

This patent focuses on another automatic method of generating new music pieces. It uses structured approach where music is viewed in terms of layers in a hierarchical music structure with pitch patterns and melody templates. No such use of templates or pitch patterns are used in our invention.